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Third session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 January 1993, at 10.30 a.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN said that at the beginning of 1993 there were 127 States parties to the Convention on the Rights of the Child, and a further 27 States had signed the Convention. The Committee on the Rights of the Child had been very active in the past year: it had held two formal sessions and one informal session, and some members had attended meetings in China, Myanmar, Jordan and Zimbabwe. The violations of the rights of children in a number of armed conflicts, in particular in Somalia and Yugoslavia, had been very distressing, but she hoped that 1993 would see a reduction in such conflicts and in violations of human rights, especially the rights of the child.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

2. Mr. BLANCA (Under-Secretary-General for Human Rights) said that the Committee on the Rights of the Child was confronted with an arduous task in meeting the hopes raised by the adoption of the Convention on the Rights of the Child. During its third session the Committee would embark upon a new phase in its work, namely, direct dialogue with the States parties to the Convention.

3. In his report on the work of the Organization (A/47/1), the Secretary-General had pointed out that, although standards and procedures existed for normal situations, the United Nations had not been able to act effectively to end massive human rights violations. He had therefore suggested that ways should be explored of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action. He had further stressed the need to prevent human rights violations, in particular by bringing together the information available within the United Nations system in order to be in a position to suggest appropriate action. He had also stressed the link between development and the enjoyment of all human rights. He hoped that the forthcoming World Conference on Human Rights would reaffirm the need for the full implementation of economic, social and cultural rights, together with civil and political rights.

4. There had been various developments of interest to the Committee since its previous session. The fourth meeting of persons chairing the human rights treaty bodies had been held at Geneva from 12 to 16 October 1992 and had paid particular attention to the question of mechanisms to be established to deal with emergency situations, ways of removing obstacles to the smooth functioning of procedures, and improved coordination of the work of the various Committees. The meeting had also looked at reservations to certain instruments, advisory services and technical assistance, and the Committees' contribution to the work of the World Conference on Human Rights.

5. In connection with that Conference, to be held in June 1993 in Vienna, an initial regional meeting for Africa had been held in Tunis from 2 to 6 November 1992. A further meeting would be held in San José, Costa Rica, from 18 to 22 January 1993, followed by a third in Bangkok in

March 1993. The secretariat was in the process of preparing studies relating to the six objectives set out in General Assembly resolution 45/155. At its forty-seventh session, the General Assembly had taken the positive step of adopting a resolution, sponsored by 134 Member States, approving an agenda for the Vienna Conference.

6. Since the end of the second session of the Committee on the Rights of the Child, the Human Rights Committee had held its forty-sixth session from 19 October to 6 November 1992, the Committee against Torture had held its ninth session from 9 to 20 November 1992, and the Committee for Economic, Social and Cultural Rights had met from 23 November to 11 December 1992. In addition, the Commission on Human Rights had held its second special session on 30 November and 1 December 1992 to consider the situation of human rights in the territory of the former Yugoslavia. It had adopted a resolution condemning in the strongest possible terms all the human rights violations identified by the Special Rapporteur, Mr. Mazowiecki, following his missions to the region.

7. As to activities more directly connected with the rights of the child, the second meeting of States parties to the Convention had been held in New York on 11 November 1992 in order to determine the duration of sessions of the Committee. At that meeting, the States parties had unanimously adopted a resolution in which they strongly supported the recommendation contained in the report of the Committee regarding the organization of its future work as from 1993; that recommendation had subsequently been adopted by the General Assembly at its forty-seventh session. Henceforth, the Committee would have two annual sessions of three weeks each, as well as working groups which would meet approximately two months in advance of each session for one week in order to undertake a preliminary review of reports from States parties. The Third Committee of the General Assembly had considered the implementation of the Convention and, through its resolution 47/112 of 16 December 1992, the Assembly had emphasized the importance of the Committee's role in monitoring effective implementation and had welcomed the positive results so far achieved by the Committee.

8. The Committee could be assured of the wholehearted support of the Centre for Human Rights in assisting it to carry out its work, which was accorded the highest significance by the international community.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/13)

9. The CHAIRMAN said that, if there was no objection, she would take it that the Committee adopted the provisional agenda (CRC/C/13).

10. It was so decided.

ORGANIZATION OF WORK

11. Following a procedural discussion in which Mr. HAMMARBERG, Mgr. BAMBAREN GASTELUMENDI, Mrs. SANTOS PAIS, Mr. KOLOSOV and Mrs. RAADI (Secretary of the Committee) took part, the CHAIRMAN read out a list of proposed amendments to the draft programme of work and suggested that the Committee should adopt them.

12. The draft programme of work, as amended, was adopted.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 3) (CRC/C/3, 8/Rev.1 and 11)

13. Mrs. RAADI (Secretary of the Committee) said that there were now 127 parties to the Convention and 27 signatories. As indicated in document CRC/C/3, 57 reports had been due in 1992, of which the secretariat had received the seven reports to be considered at the current session, in addition to the report of Peru, whose consideration had been postponed until the September 1993 session. Reports had also been received from Costa Rica, El Salvador, Indonesia, Mexico and Namibia. Forty-six reports were due in 1993 and one, the report of Rwanda, had been received. Twenty-three reports were due in 1994. Thus for 1992, 45 reports were overdue. The permanent missions of the States parties involved had been contacted and reminded of their reporting obligation. She also wished to draw attention to a summary of the report of Pakistan due in December 1992, which members would find in their files.

14. Mr. HAMMARBERG said he would like to know the procedure for reminding States parties when a report was overdue.

15. Mrs. RAADI (Secretary of the Committee) said that the permanent missions involved had been contacted by telephone. As was the practice with other bodies, the secretariat would wait for six months to one year before sending a written reminder.

16. Mrs. SANTOS PAIS said that when the secretariat telephoned a permanent mission, it should ask the mission to provide a tentative date of submission. The Committee's attitude might vary according to whether a report was nearly finished or not yet begun. The secretariat should also stress the fact that the Committee would be meeting in Geneva for three weeks and available for informal contacts with mission staff to advise them on the preparation of reports.

17. Mr. HAMMARBERG considered the Committee must not give the impression that it was being selective; it should have a strict procedure, identical for all States parties, comprising not only telephone calls but written reminders. The process of writing the report was a valuable one; even if there were delays in the Committee's consideration of reports, States parties should be

seen to comply with their reporting obligation. Non-governmental organizations and concerned bodies such as UNICEF should be informed of the status of submission of reports, and to that end a written report might be issued at the end of every session.

18. Mr. KOLOSOV said that, to assist the Committee with its heavy workload, the pre-sessional working group should perhaps make preliminary observations on reports and send them to the Governments concerned.

19. Mrs. EUFEMIO observed that Mr. Kolosov's proposal might give rise to a translation problem.

20. The CHAIRMAN said that the present discussion raised a number of issues. It was obvious that there were obligations for both the States parties and the Committee. What was important was that the Committee should have a clear system of deadlines and not appear lax in fulfilling its obligations.

21. Mgr. BAMBAREN GASTELUMENDI said that it was important to urge States to meet their reporting obligations, as had been stressed at the recent meeting of non-governmental organizations in Lima. As it gained experience in considering reports, the Committee might also wish to refine its procedures, for example by establishing study groups to look into reports in advance or otherwise changing its working methods.

22. Mr. HAMMARBERG said that the problem involved was not States' deadlines for submitting reports, but incompatibility between States' deadlines and the Committee's possibilities of considering reports. The Committee already had difficulty in dealing with its workload, and the peak period had not yet arrived. He agreed with Mgr. Bambaren Gastelumendi that the Committee must devise new working methods. Since reporting obligations were laid down in the Convention, any laxity on the part of the Committee would tend to undermine its status.

23. Mrs. SANTOS PAIS noted that the Committee's reports to the General Assembly included a list of States parties which had submitted reports; that made the public aware of the status of reporting obligations, but was not sufficient. Members should be aware of any additional suggestions the Committee might make to the General Assembly, such as increasing the number of its sessions. She was optimistic that the States parties would support the Committee in its efforts to resolve the problem of reporting obligations.

24. She wished to emphasize that reports were not just a matter of procedure but reflected a State's attitude towards children. Failure to submit a report gave the impression that a State was prepared to make a formal decision but not to put it into practice.

25. The CHAIRMAN, summing up the discussion, said that there was general agreement on the need for a twofold approach to the question of submission of reports by States parties. Firstly, bearing in mind the requirement for reports to be submitted on time, members of the Committee considered that States parties should, whenever appropriate, be reminded of deadlines for submission and should have the benefit of technical advice and assistance to ensure that reports were received promptly. Secondly, taking into account the volume of work before the Committee in the form of consideration of, reaction to, and dialogue on, each report, innovative ways of dealing with the situation must be considered in order to avoid too great a backlog. In that respect, consideration might be given, to reducing the number of meetings for consideration of reports from three to two, allocating priorities to issues, proceeding by means of written exchanges of views in addition to dialogue, and arranging parallel meetings in order to deal with more than one country report at a time. A subgroup of the Committee might usefully be set up in order to discuss such proposals.

26. Mgr. BAMBAREN GASTELUMENDI endorsed the Chairman's remarks. The Committee's task would indeed be overwhelming unless new efforts and different approaches were adopted in order to consider country reports promptly. It would be advisable to examine the different proposals in the days immediately ahead.

27. Ms. MASON agreed that States parties should be given every encouragement in fulfiling their obligations under the Convention in a timely manner. She further agreed that consideration should be given at the current session to ways of ensuring that reports were considered by the Committee without unnecessary delay. The practical exercise which the Committee would be undertaking in the days to come might suggest methods of dealing speedily and effectively with country reports.

28. Mrs. EUFEMIO endorsed the Chairman's proposal to establish a small group to look into ways and means of expediting the Committee's consideration of States parties' reports and to report back to the plenary Committee.

29. The CHAIRMAN said that, as she understood it, the Committee wished to set up a small group to meet during the current session to consider ways in which the Committee could best expedite consideration of reports submitted by States parties. Such a group might be composed of: Mgr. Bambaren Gastelumendi, Mrs. Eufemio, Mr. Kolosov, Mr. Mombeshora and Mrs. Santos Pais.

30. It was so decided.

31. In response to questions by Mrs. SANTOS PAIS and the CHAIRMAN, Mrs. RAADI (Secretary of the Committee) informed the Committee that up to seven reports (from Peru, Rwanda, Costa Rica, El Salvador, Indonesia, Mexico and Namibia) would be processed by the time of the next session. Generally speaking, following the receipt of a State party's report, it was estimated that about three months were required for processing within the secretariat.

32. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) observed that prompt processing would be facilitated if, at the end of each session, the Committee could decide on the reports to be considered at the following session. In that way, those reports would be given priority, while processing of any other reports which might have been received would also be initiated. In order to ensure a smooth flow of reports, it was important that they be submitted on time.

33. The CHAIRMAN said that, if there was no objection, she would take it the Committee wished the secretariat to prepare, as appropriate, a letter reminding States parties to submit reports on time.

34. It was so decided.

The meeting rose at 1 p.m.